

SELF SERVICE CENTER

HOW TO ASK THE COURT TO APPOINT A GUARDIAN OF A MINOR

USE THIS PACKET if you want to be appointed a guardian for a minor under the age of 18.

This packet does not help you with the following processes:

- Guardianship or conservatorship for adults;
- Temporary or emergency appointments of guardians or conservators;
- Guardians for gravely disabled persons;
- Conservators for minors.

Follow each step carefully. Each step contains certain forms, and some of these forms have extra instruction sheets to help you. The whole process will take at least a couple of months.

FIRST STEPS:

STEP 1

MAKE SURE YOU NEED TO BE APPOINTED AS GUARDIAN ONLY, AND NOT A CONSERVATOR, TOO. If you are not sure, the Self-Service Center has information available describing the different requirements between appointments for guardianships and conservatorships. See the Checklist at the beginning of the forms packet. The Self-Service Center has three separate packets: one for guardians, one for conservators, and one for both guardians and conservators.

- 2 FINGERPRINTS.** Arizona law requires that any person asking to be appointed guardian of a minor to whom he/she is **not related by blood** must go through a fingerprint check by the Arizona Department of Public Safety and the FBI in Washington, D.C., to help the Court determine that person's suitability to act as a guardian of a minor. See **Step 11** below describing how and where to get your fingerprints taken.

Note: In Maricopa County, completed Fingerprint cards must be submitted to Probate Administration within **5 days** of filing the Petition.

- 3 COMPLETE AND COPY THE COURT FORMS IN THIS PACKET:** Fill out all the forms completely and in **black ink**.

- **PROBATE COVER SHEET.** Complete everything but the "Case Number". The case number will be stamped with a Probate Case Number starting with the letters "**PB**" by the Clerk of the Court when you file the papers. You will use this case number on all court papers you file the papers with the Clerk.
- **PETITION FOR APPOINTMENT.** Fill out all the information carefully and notify the people entitled to know about this matter. If you have questions about who is entitled to notice see the Self-Service Center Packet on **Service and Notice of Hearing**, then read the document called INFORMATION ON LEGAL NOTICE FOR GUARDIANSHIPS AND CONSERVATORSHIPS.
- **AFFIDAVIT OF PERSON TO BE APPOINTED (ARS §14-5106).** This document must be completed by the Petitioner (the person who wants to be appointed). You must file this Affidavit with your PETITION FOR APPOINTMENT AS GUARDIAN.
- **CONSENT OF PARENT TO GUARDIANSHIP and/or CONSERVATORSHIP.** This

document must be completed and signed by the parents of the minor, if they are living and have not been adjudicated incapacitated. If you only can find one parent, have that parent sign the Consent. However, be prepared to explain to the Judge/Commissioner at the court hearing why only one parent or no parents signed the Consent and prove to the Court you did everything you could to try to find the parent(s) by publishing notice. See the Self Service Center packet Part 2: **Service and Notice of Court Hearing** and read the form called INFORMATION ON LEGAL NOTICE FOR CONSERVATORSHIP FOR A MINOR for more information on Publication of Notice.

- 4 COPIES:** Make **2 copies** of all the completed forms. Assemble the copies so that you have **3 complete packets** -- the originals and 2 sets of copies.
Note: One set of the copies is for the Petitioner to keep with his or her files.
- 5 OTHER PAPERS:** Make one copy of the document INSTRUCTIONS AND REQUEST FOR HEARING DATE. Keep the original and copies together for later use. After filing all the other papers, you will take this form to Probate Court Administration to get the hearing date set at a time you can attend.

Note: Keep this document so you know when and where your hearing is.

TO FILE THE PAPERS AT THE COURT:

STEP 6 DETERMINE WHERE TO FILE THE COURT FORMS: There are 3 locations of the Superior Court in Maricopa County: the Downtown Phoenix location in Phoenix, the Southeast Court Facility for persons who live in Mesa, Tempe, Chandler, Gilbert and Apache Junction to the southern border of the Salt River bed. Scottsdale is **not** included in this area; and the Northwest Court Facility located in Surprise. Depending on where you live, select the site to file the first court papers. Please keep in mind that any court hearings filed in Mesa will be conducted at the downtown courthouse in Phoenix or at the Northwest courthouse in Surprise.

Phoenix: 125 West Washington, 1st Floor
Phoenix, Arizona 85003

Mesa: 222 East Javelina, 1st Floor
Mesa, Arizona 85210

Surprise: 14264 W. Tierra Buena Lane
Surprise, Arizona 85374

- 7 TAKE THE ORIGINALS AND COPIES TO THE CLERK TO BE FILED:** Take the **originals and 2 sets of copies** of the following documents **to the Clerk of the Court, Probate Registrar**, on the first floor of the court, for processing:
- PROBATE COVER SHEET
 - PETITION FOR APPOINTMENT OF GUARDIAN
 - AFFIDAVIT OF PERSON TO BE APPOINTED (ARS § 14-5106)
 - CONSENT OF PARENT (if applicable)

Note: The clerk at Probate Registrar will conform the 2 sets of copies and return them to the Petitioner. After you file one set with Probate Administration, you should have one set of copies for yourself if you followed the instructions in **Step 3**.

- 8 PAY YOUR FILING FEE:** The filing fee is **\$166.00**. If you think a fee waiver or deferral is appropriate, ask the probate clerk or the staff at the Self-Service Center for an APPLICATION FOR FEE WAIVER OR DEFERRAL before you file your Petition.

TO GET THE COURT HEARING DATE SCHEDULED:

STEP 9 TO GET A COURT HEARING DATE: Go to Probate Court Administration (1st floor in Phoenix and Surprise, 2nd floor in Mesa). Take and give them one set of the conformed (date-stamped) set of the following copies the clerk just gave you:

- PROBATE COVER SHEET
- PETITION FOR APPOINTMENT OF GUARDIAN
- AFFIDAVIT OF PERSON TO BE APPOINTED (ARS §14-5106)
- CONSENT OF PARENT (if you filed one)

Bring the **original** of the document called INSTRUCTIONS AND REQUEST FOR HEARING DATE -- this will be returned to you. If you have not done so already, bring your completed **Fingerprint Card**--and **\$29.00** cash, check, or money order for the fingerprint processing payment.

10 HOW YOU WILL GET THE COURT HEARING DATE: Probate Court Administration will schedule the hearing: date, time, place, and judicial officer. Staff will give you back a copy of the INSTRUCTIONS AND REQUEST FOR HEARING DATE with the information highlighted with a colored marking pen for you. Be sure you keep this important document!

TO COMPLETE THE FINGERPRINT PROCESS:

STEP 11 TO GET YOUR FINGERPRINTS TAKEN: The proposed guardian (who is not related to the protected minor) should go to one of the following places for fingerprints:

- The Maricopa County Sheriff's Department in Phoenix at 101 West Jefferson Street. (Go to the East Court Building; the Sheriff's Office is directly across from Change of Venue Cafeteria.) Fingerprinting at this location will only be done on Mondays, Tuesdays and Thursdays, 9:00 A.M. until 2:00 P.M.
- Preferred Information Services (480-835-6676), 54 S. Center, Mesa.
- The Scottsdale and Glendale Police Departments may also do this service. Contact them ahead of time to be sure they have the service and the required BLUE fingerprint card.
- Tell the clerk taking your prints that they are for a guardianship of a minor. Pay the clerk a fingerprint fee (usually \$8.00-\$10.00, depending where you go), payable in **cash only**. They will take your fingerprints, process the case, and give you the FINGERPRINT CARD.

Note: Remember to bring a valid picture identification with you otherwise your fingerprints will not be taken.

12 TO GET YOUR COURT HEARING DATE SET:

If you have had your fingerprints taken, and still have not filed the Guardianship documents, including the Petition and Affidavit, then see **Steps 6-8** for filing the court papers.

- Bring the completed Fingerprint Card to Probate Court to the Downtown court location, Old Courthouse, 125 West Washington, 1st Floor. (The Southeast and Northwest court locations do not process fingerprint cards.) The cost of processing a fingerprint check is **\$29.00**. If paying by check or money order, make payable to **MARICOPA COUNTY TREASURER**.

- Probate Court Administration will help you complete the Fingerprint Card with the following necessary information: Court case number, (begins with "PB")
 - 1) Hearing Date,
 - 2) Name of the hearing officer, **AND**
 - 3) The phrase "pursuant to A.R.S. 14-5206" on the card in the "Reason Fingerprinted" section.

Note: Do not complete the "Employer and Address" section blank. Court Administration's name and address go there.

- Probate Court Administration will set the hearing date from about **16 weeks** from the day you submitted the Fingerprint Card and fees. (If your case was filed at the Downtown Phoenix location OR at the Southeast location in Mesa, your hearing will be set at the Downtown Phoenix location. If your case was filed at the Northwest location in Surprise, your hearing will be set there.) The reason for the long delay is the time it takes DPS and the FBI to complete a background check and forward a report.

Note: The Court will **not** appoint a guardian unless it has received the results of the background check.

- 13 OTHER HELP:** If you still have questions about this procedure, you can ask a lawyer for legal advice. You can look up a lawyer in the telephone book under "attorneys". Also, the Self-Service Center has a list of lawyers who will help you help yourself. The list show where the lawyers are located, how much they charge to look over the court papers or answer your questions, and what their experience is.